

# Exhibit Q

COPY

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

ANTOINE TAYLOR, :  
Plaintiff, :

-against- :

NASSAU COUNTY, THE NASSAU COUNTY POLICE :  
DEPARTMENT, NASSAU COUNTY POLICE :  
COMMISSIONER LAWRENCE MULVEY, FIRST :  
DEPUTY COMMISSIONER ROBERT MCGUIGAN, :  
SECOND DEPUTY COMMISSIONER WILLIAM :  
FLANAGAN, ASSISTANT COMMISSIONER DAVID :  
MACK, ASSISTANT COMMISSIONER ROBERT :  
CODIGNOTTO, CHIEF OF THE DEPARTMENT :  
STEVEN SKRYNECKI, CHIEF OF PATROL JOHN :  
HUNTER, JOHN DOES COMMISSIONERS AND :  
SUPERVISORS, POLICE OFFICER KEITH ROGICH :  
AND JOHN DOE POLICE OFFICER, :

Defendants. :

-----X

Deposition of a Non-Party Witness,  
EDWARD ALONGE, taken by Plaintiff, pursuant  
to Subpoena, held at the NASSAU COUNTY,  
OFFICE OF THE COUNTY ATTORNEY, One West Street,  
Mineola, New York 11501, on December 23, 2011, at  
9:40 A.M., before EILEEN WAIN, a Shorthand Reporter  
and Notary Public within and for the State of New  
York.

H & B REPORTING CO., INC  
718-948-5835

SHEET 2 PAGE 2

1 Alonge

2 APPARENCES:

3 BADER, YAKAITIS & NONNENMACHER, LLP  
4 Attorneys for Plaintiff  
350 Fifth Avenue  
New York, New York 10118

BY: JOHN J. NONNENMACHER, ESQ.

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8                   NASSAU COUNTY  
9                   OFFICE OF THE COUNTY ATTORNEY  
10                  Attorneys for Defendants  
11                  One West Street  
12                  Mineola, New York 11501

11 BY: PETER LASERNA, ESQ.

12 (File #10X44051)

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1 Along

2 FEDERAL STIPULATIONS

3 IT IS HEREBY STIPULATED AND AGREED

4 by and among counsel for the respective

5 parties hereto, that the filing, sealing,

and certification of the within

7 deposition shall be and the same are

8 hereby waived;

9 IT IS FURTHER STIPULATED AND

10 AGREED that all objections, except as to

11 the form of the question, shall be

12 reserved to the time of the trial;

13 IT IS FURTHER STIPULATED AND

14 AGREED that the within deposition may be

15 . signed before any Notary Public with the

same force and effect as if signed and

17 sworn to before the Court.

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SHEET 4 PAGE 4

8 DIRECT EXAMINATION

9 BY MR. NONNENMACHER:

10 Q Would you please state your  
11 name for the record.

12 A Edward Alonge.

13 Q What is your present  
14 business address?

15 A 1490 Franklin Avenue,  
16 Mineola, New York 11501.

17 Q Good morning, Police  
18 Officer Alonge. My name is John  
19 Nonnenmacher. I am a partner with the  
20 law firm of Bader, Yakaitis &  
21 Nonnenmacher. I represent the  
22 Plaintiff, Antoine Taylor.

23 I will ask you a number of  
24 questions regarding an incident that  
25 occurred back in September of 2009.

SHEET 5 PAGE 5

1 Alonge  
2 Can we have your home  
3 address, please?  
4 A (No response.)  
5 Q You have to say something,  
6 yes, no?  
7 A No, you cannot.  
8 Q Are you presently employed  
9 A Yes.  
10 Q Who are you employed by?  
11 A Nassau County Police  
12 Department.  
13 Q What is your present rank?  
14 A Police Officer.  
15 Q And do you have a shield  
16 number?  
17 A 369.  
18 Q How long have you been  
19 employed by the Nassau County Police  
20 Department?  
21 A Since 1985.  
22 Q From the time that you  
23 began your employment with the Police  
24 Department, have you always been a  
25 Police Officer?

SHEET 6 PAGE 6

1 Alonge

2 A Yes.

3 Q What is your present  
4 assignment?

5 A Bureau of Special  
6 Operations, BSO.

7 Q Can you tell me what is the  
8 Bureau of Special Operations?

9                   A        We are the County's  
10                  Tactical Team, SWAT. We do a variety  
11                  of other tasks, assist precinct squads,  
12                  special squads, in any day-to-day  
13                  details that they may have.

14 Q How long have you been a  
15 member of the Bureau of Special  
16 Operations?  
.

17 A Since '93.

18 Q Prior to becoming employed  
19 by the Nassau County Police Department  
20 as a police officer, had you ever been  
21 employed by any other law enforcement  
22 agency?

23 A No.

24 Q Did you have to go to an  
25 academy?

SHEET 7 PAGE 7

1 Alonge  
2 A Nassau County Police  
3 Academy.  
4 Q How long was that?  
5 A Six months.  
6 Q Did you receive any  
7 training with respect to the use of  
8 force?  
9 A Yes.  
10 Q What did that training  
11 consist of?  
12 A Use of force.  
13 Q Can you describe it?  
14 A That is sort of what the  
15 class would have been called, the use  
16 of force.  
17 Q Do you recall how long  
18 class was?  
19 A No. I don't recall. N  
20 don't.  
21 In terms of hours?  
22 Q Yes.  
23 A I don't recall.  
24 Q Were there lesson plans  
25 the use of force?

SHEET 8 PAGE 8

1 Alonge  
2 A That the instructor used,  
3 or that was handed out?  
4 Q Yes. That was handed out.  
5 A I don't recall.  
6 Q Do you work out of a  
7 particular location right now?  
8 A Our office is in the  
9 Highway Building on Newbridge Road in  
10 North Bellmore.  
11 Q Is that the main office?  
12 A The main BSO office?  
13 Q Yes.  
14 A Yes.  
15 Q Where did you report to  
16 everyday, or for the most part?  
17 A There.  
18 Q Did you ever work out of  
19 the Fifth Precinct?  
20 A Yes. Occasionally, I will  
21 go there.  
22 Q How long have you been  
23 working out of Headquarters?  
24 A What do you mean  
25 "headquarters"?

SHEET 9 PAGE 9

1 Alonge

2 Q I am sorry. Out of the  
3 Bellmore office.

4                   A        I don't know what year that  
5                  we moved there. Since I have been at  
6                  BSO, we had three different locations  
7                  for an office.

8 Q What is the present  
9 location?

10 A The one I told you,  
11 Newbridge Road in Bellmore.

12 Q Do you know the exact  
13 address?

14                   A         No. It is Newbridge Road.  
15                  I don't know the numerical. I never  
16                  sent a car there or anything. It is  
17                  just south of Jerusalem and the  
18                  Southern State.

19 MR. NONNENMACHER: Off the  
20 record.

21 (A discussion was held off  
22 the record.)

23 Q Where is Police  
24 Headquarters?

25 A 1490 Franklin Avenue in

SHEET 10 PAGE 10 -

1 Alonge

2 Mineola.

3 Q Do you know an officer by  
4 the name of Keith Rogich?

5 A Yes, I do.

6 Q How do you know Mr. Rogich?

7 A . He works in BSO.

8 Q Does he work out of the  
9 same office as you do?

10 A Yes.

11 Q Do you know if he goes to  
12 the Fifth Precinct with any frequency?

13 A I would imagine every now  
14 and then, like all of us.

15 Q How long have you known Mr.  
16 Rogich?

17                   A         I don't know how long he  
18                   has been in BSO. I have known him as  
19                   long as he has been in BSO. Prior to  
20                   that, he was in the Fourth Precinct. I  
21                   came from the Fourth Precinct, but I  
22                   came in '93. He may have been there  
23                   for a little bit before I left. I  
24                   never really worked next to him or with  
25                   him in uniform.

SHEET 11 PAGE 11

1 Alonge

2 Q Outside of the police  
3 department, did you have any type of  
4 relationship with Mr. Rogich?

5 A No.

6 Q Now, are you aware that Mr.  
7 Rogich already testified at a  
8 deposition?

9 A I knew that he was over  
10 here. I didn't know that it was a  
11 deposition. I thought it may have been  
12 case prep or whatever it may have been.

13 Q When was the last time that  
14 you spoke to Mr. Rogich?

15 A Probably within the last  
16 two weeks. I took some time off. I  
17 think he took some time off. I think  
18 he was sick or something.

19 Q In the last two weeks, did  
20 you discuss the incident that occurred  
21 involving Antoine Taylor?

22 A No. It was basically  
23 police activity that was going on at  
24 work -- actually, I did see him at the  
25 New York City Police funeral the other

SHEET 12 PAGE 12

1 Alonge

2 day, for the City cop. I saw him  
3 there.

4 Q Prior to the last two  
5 weeks, when was the last time that you  
6 spoke to him, prior to that?

7 A I see him at work. I don't  
8 know, you know --

9 Q Okay.

10 A We work in the same squad,  
11 so I see him.

12 Q Does the squad have a  
13 particular name?

14 A It has a number.

15 Q What is the number?

16 A Squad 4.

17 Q What are the jurisdictional  
18 confines of Squad 4?

19 A I don't understand what you  
20 mean.

21 Q Is Squad 4 limited to a  
22 certain area within Nassau County?

23 A No, not at all.

24 Q It is Nassau Countywide?

25 A Yes. The whole unit is.

SHEET 13 PAGE 13

1 Alonge

2 Q Did you participate in the  
3 arrest of Antoine Taylor on September  
4 26, 2009?

5 A Yes, I did.

6 Q Do you recall what day of  
7 the week that was?

8 A No.

9 Q Do you know if it was a  
10 weekend, as opposed to a weekday?

11 A No, I don't.

12 Q Do you recall what your  
13 tour of duty was on September 26, 2009.

14 A We were coming in for the  
15 night tour.

16 Q What was the night tour?

17 A The reason I say this, the  
18 County changed our chart, so, I want to  
19 say it was 3:30 P.M. to 1:30 A.M. They  
20 used to be five o'clock to 1 A.M. I  
21 think it was what I said first, 3:30.

22 Q From what you remember,  
23 sitting here today, you believe that  
24 your tour of duty on September 26,  
25 2009, was 3:30 P.M. to 1:30 A.M.?

SHEET 14 PAGE 14

1 Alonge

2                    A              Correct.

3 Q Do you recall where you  
4 reported to?

5 A I was on my way to the --  
6 to our office in Bellmore. I was  
7 actually on the Southern State Parkway.

8 Q Do you recall what time  
9 that you arrived at your office in  
10 Bellmore?

11 A No. I never got there.

12 Q You were on your way, and  
13 then something happened?

14 A That is correct.

15 Q Did you have a partner back  
16 in September of 2009?

17 A We have steady partners in  
18 BSO the entire time we were there, but  
19 I wasn't with my steady partner that  
20 day.

21 Q Who is your steady partner?

22 A Police officer Stephen,  
23 Loschiavo, L-o-s-c-h-i-a-v-o.

24 Q Did he participate in the  
25 arrest of Antoine Taylor?

SHEET 15 PAGE 15

1

Alonge

2 A He was in the general  
3 vicinity. He was driving one of our  
4 trucks. I didn't see him at all that  
5 day after the incident, after the  
6 arrest, and after people were sent to  
7 the hospital.

8 Q What happened as you were  
9 traveling on the Southern State towards  
10 Headquarters?

11 A I was a passenger in an  
12 automobile. I was with the sergeant,  
13 and we heard another sergeant, Sergeant  
14 Carney, come over the air and ask if  
15 there was any units in the vicinity of  
16 Hempstead -- I don't want to say  
17 exactly what he said, because I don't  
18 remember what he said, but I knew it  
19 was in reference to this case.

20 Q Who was driving the  
21 automobile that you were in?

22 A Sergeant McCarthy, Sergeant  
23 Kevin McCarthy.

24 Q Was he your supervisor back  
25 in 2009?

SHEET 16 PAGE 16

1 Along

2 A Yes.

3 Q Why were you in a vehicle  
4 with him on your way to the  
5 Headquarters?

6                   A         Because we live near each  
7                   other, he picked me up, and we were  
8                   going to work.

9 Q Were you driving in a  
10 police owned vehicle?

11 A Yes.

12 Q What kind of vehicle was  
13 it?

14 A I believe it was a black  
15 Crown Vic.

16 Q Do you recall exactly what  
17 was sent over the airways?

18 A No.

19 Q Do you recall sum and  
20 substance of what was sent over the  
21 airway?

22                   A         Yes. That a location in  
23                   Hempstead where a subject who one of  
24                   the squads was looking for, was  
25                   possibly located.

SHEET 18 PAGE 18

# 1 Alonge

2 exit we were at. We got off the  
3 Southern State, re-entered the Southern  
4 State heading back towards Hempstead,  
5 and got off, I guess at, Peninsula  
6 Boulevard, right where the location  
7 was.

8 Q Did you respond on the  
9 airway, like, "We are on it"?

10 A I am not sure if it was  
11 either myself or the Sergeant who  
12 responded verbally.

13 Q Were you in plain clothes  
14 at the time?

15 A Yes.

16 Q Do you recall what you were  
17 wearing?

18 A No.

19 Q Did the BSO officers have a  
20 particular uniform that they would  
21 wear?

22                   A        We have a couple of  
23                   different types of dress -- for regular  
24                   routine patrol, no.

25 Q Do you recall the colors

SHEET 17 PAGE 17

1 Alonge

2 Q When you say "one of the  
3 squads was looking for," what squad was  
4 that?

5 A I believe it was the  
6 Homicide Squad.

7 Q The message that was sent  
8 to you over the air, was that recorded  
9 in any fashion?

10 A I don't know, but I assume  
11 it would be. It was on main band. I  
12 am assuming through Police  
13 Headquarters, it would have been.

14 Q Do you know who sent that  
15 message out?

16 A I believe it was Sergeant  
17 John Carney.

18 Q Was Sergeant John Carney a  
19 supervisor of yours, as well?

20 A No. He would have been the  
21 day tour supervisor.

22 Q Upon hearing this message,  
23 did you respond at all?

24 A Yes. We were on the  
25 Southern State. I don't remember what

SHEET 19 PAGE 19

1 Alonge

2 that you were wearing on the date of  
3 this incident?

4. A NO.

5 Q The normal course of  
6 events, would you wear jeans or  
7 something else or you wouldn't wear  
8 jeans?

9                   A         Normally, jeans, T-shirt,  
10                  in warm weather.

11 Q Do you recall what Sergeant  
12 McCarthy was wearing?

13 A No.

14 Q Once you got off of the  
15 Southern State, where did you go then?

16                   A         You know what, I don't know  
17                   the name of the street. It is right  
18                   off of Peninsula Boulevard in  
19                   Hempstead, just north or east of Mercy  
20                   Hospital. The house where the subject  
21                   was located in, or we believed he was  
22                   located in, I don't remember the street  
23                   name right now.

24 Q Would it refresh your  
25 recollection if I told you it was West

SHEET 20 PAGE 20

1 Alonge

2 Graham Avenue?

3 A It probably would. I can't  
4 be one hundred percent. I don't want  
5 to give you the wrong street.

6 Q Do you recall what time  
7 that you arrived at the location?

8 A No.

9 Q Since you don't recall the  
10 street name, would it be okay to refer  
11 to that as the location?

12 A Sure.

13 Q From the time that you were  
14 traveling in the opposite direction on  
15 the Southern State, until you got to  
16 the location, did you have any further  
17 communication with anyone?

18 A I don't recall. I really  
19 don't.

20 Q Did you have an address at  
21 that point in time, as to where someone  
22 believed that Antoine Taylor was?

23 A I don't recall the  
24 numerical house number. I know we had  
25 an address, because that is where we

SHEET 21 PAGE 21

1 Alonge

2 went.

3 Q Would it refresh your  
4 recollection if I told you the address  
5 was 152 West Graham Avenue?

6 A It wouldn't help me. I  
7 would take your word for it.

8 Q That is okay.

9 What did you do when you  
10 arrived in the vicinity of the  
11 location?

12 A We went on a side street,  
13 which was almost directly across from  
14 the driveway in the front of the house,  
15 that we believed the subject to be in.  
16 I don't know the name of that side  
17 street. If I sat there, I would be  
18 able to point out where I was. We sat  
19 down the block with an eye on the front  
20 of the house in the driveway.

21 Q Were you still in the car  
22 with Sergeant McCarthy?

23 A Yes.

24 Q From where you were, were  
25 you able to see the house?

SHEET 22 PAGE 22

1 Alonge

2 A Yes.

3 Q Do you recall what time  
4 that you arrived at the location?

5 A No. The only timeframe I  
6 can give you is, after the initial  
7 call, when we were on the Southern  
8 State, it was less than five minutes  
9 for us to turn around and get back to  
10 that location. We weren't much  
11 further -- I don't know if it was Grand  
12 Avenue on the Southern State, the next  
13 exit, or whatever it was. It was  
14 pretty quick.

15 Q You would have to report to  
16 work around 3:30 that evening?

17 A Yes.

18 Q Would you be able to use  
19 that as a reference as to approximately  
20 what time that you got to the location?

21 A I don't know if after the  
22 Sergeant picked me up, we went straight  
23 there, or we went to get gas at the  
24 Fourth Precinct. I don't remember.

25 Q Do you recall --

SHEET 23 PAGE 23

1 Alonge

2 MR. NONNENMACHER: Withdrawn.

3 Q As a police officer, would  
4 you maintain any type of book which  
5 would reflect what you did on a daily  
6 basis?

7 A No. We don't keep memo  
8 books at BSO.

9 Q When you got to the  
10 location and you parked in the vicinity  
11 where you could see the house that was  
12 involved in this incident, did you stay  
13 there from the time that you got there  
14 up until the time of this incident?

15 A I believe so. The reason I  
16 hedge that, at some point, another unit  
17 pulled up, I got out of Sergeant  
18 McCarthy's car, because he was sort of  
19 running the detail. He didn't need to  
20 be locked into one spot.

21 I got into another car with  
22 a different police officer, and  
23 Sergeant McCarthy left my spot and sort  
24 of ran the detail.

25 Q Do you recall how long that

SHEET 24 PAGE 24

1 Along

2 you remained in that location with  
3 Sergeant McCarthy before something else  
4 changed?

5                   A        I can't give you an exact  
6                   timeframe. Probably at least a half an  
7                   hour, and I want to say probably a  
8                   little longer than that, until the  
9                   other units started arriving.

10 Q When you say "unit," what  
11 defines a "unit"? What does a "unit"  
12 consist of?

13                   A         Two officers and a car,  
14                   usually.

15 Q During the time that you  
16 were in the car with Sergeant McCarthy,  
17 what was he doing?

18                   A         Observing the subject  
19                   location and driveway. He may have  
20                   also been on the phone with our base to  
21                   try to coordinate who was coming, and  
22                   how many teams that we were going to  
23                   have there.

24 I am assuming he was  
25 getting updated information as to what

SHEET 25 PAGE 25

1 Alonge

2 was going on from Sergeant Carney.

3 Q When you say Sergeant  
4 McCarthy was running the investigation,  
5 what leads you to that conclusion?

6 A I didn't say the  
7 investigation. He was the supervisor  
8 at scene for the BSO units.

9 In terms of if we are  
10 watching a location, he wants to make  
11 sure that the units are in the proper  
12 location. Not everyone is in the same  
13 block. We spread out.

14 Q Do you know if you and  
15 Sergeant McCarthy was the first unit  
16 there?

17 A I believe that we were.

18 Q What do you recall  
19 happening right before you got into the  
20 other vehicle?

21 A (No response.)

22 Q By that I mean, did the  
23 other vehicle drive up to where you  
24 were?

25 A I believe they were already

SHEET 26 PAGE 26

1 Alonge  
2 on the block by the time that we  
3 switched. One of the officers -- the  
4 passenger got out of the car, and he  
5 went into the vicinity of an abandoned  
6 house across the street that had a very  
7 good view of the subject's dwelling --  
8 not dwelling, his location, the  
9 driveway in the front of the house, so  
10 I jumped in the passenger seat that was  
11 vacant.

12 Q Do you know who the  
13 gentleman was, or the police officer  
14 who got out of the vehicle to go into  
15 the abandoned building?

16 A Yes. Police Officer Brian  
17 O'Connor.

18 Q Who was driving the vehicle  
19 that you got in?

20 A Police Officer Louis  
21 Lanzillotta.

22 Q Were you ever partners with  
23 Louis Lanzillotta?

24 A Never official partners. I  
25 worked with him but never official

SHEET 27 PAGE 27

1 Alonge

2 partners.

3 Q What type of vehicle was he  
4 operating?

5 A I believe it was a black  
6 Jeep Cherokee.

7 Q Was there anything about  
8 that black Jeep Cherokee that would let  
9 someone know that was a police vehicle?

10 A There would have been an  
11 antenna on top, a police antenna.

12 Q Anything else?

13 A Absent us turning on the  
14 emergency lights, no.

15 Q Was there anything about  
16 the vehicle that Sergeant McCarthy was  
17 driving, that would lead someone to  
18 believe that was a police vehicle?

19 A The antenna also, and it is  
20 a black Crown Vic, which -- I believe  
21 the general public knows to be police  
22 vehicles. It is a fleet police  
23 vehicle.

24 Q Where was the antenna on  
25 the black Jeep Cherokee that you got

SHEET 28 PAGE 28

1 Alonge

2 in?

3 A I believe it was on the  
4 roof.

5 Q Do you know, as you sit  
6 here today, where it was?

7 A I believe it was on the  
8 roof. The same as my Jeep Cherokee.

9 Q Where did you go, once you  
10 got into the black Jeep Cherokee?

11 A That same side street. We  
12 were on that same side street that I  
13 was on with Sergeant McCarthy. Once  
14 Officer O'Connor got out, had the  
15 eyeball on the house from where he was,  
16 we backed up further away, as to not  
17 raise suspicion of the police vehicle.

18 Q Were you still able to see  
19 the building that was involved, or  
20 targeted?

21 A I am not sure how much of a  
22 view we had, but our eyeball was  
23 Officer O'Connor.

24 Q When you were still in the  
25 car with Sergeant McCarthy, were you

SHEET 29 PAGE 29

1 Along

2 able to see the house that was being  
3 targeted?

4 A Yes.

5 Q Do you recall anything  
6 about the house?

7                   A         Nothing that would stand  
8                   out.

9 Q Was there any activity  
10 going on with respect to that house?

11                   A         With that house, I don't  
12                  believe. I know that there was a party  
13                  next door.

17                   A         With Sergeant McCarthy?

18 Q Yes.

19                   A        We were probably three or  
20                  four houses on that side street away  
21                  from the house, but you also had to  
22                  cross Graham, and then go down the side  
23                  street.

24 Q Are you familiar with the  
25 compass directions of West Graham

SHEET 30 PAGE 30

1 Alonge

2 Street?

3 A Yes. I believe it goes  
4 east and west.

5 Q Were you north or south of  
6 the house?

7 A I would have been north.

8 That side street I was on, I believe  
9 only ran north from Graham.

10 Q Let's assume you are  
11 correct, that West Graham Street runs  
12 west to east. Based on that  
13 assumption, you were north of the house  
14 that was being targeted?

15 A That is correct.

16 Q Would you be able to  
17 estimate, in terms of feet or car  
18 lengths or anything else, how far away  
19 you were from that house, when you were  
20 with Sergeant McCarthy?

21 A No. Like I said, three to  
22 four house lengths, plus Graham, plus  
23 the street.

24 Q In other words, if you are  
25 looking at the house that was being

SHEET 31 PAGE 31

1 Alonge

2 targeted, you were approximately three  
3 or four houses to the left of that  
4 house, and then cross the street in a  
5 northerly direction?

6 A I don't know what you  
7 mean --

8 Q If you were looking at that  
9 house, you said you were three or four  
10 houses away, if you were looking at it,  
11 you would be three to four houses to  
12 the left of that house as you are  
13 looking at it?

14 A You got me confused.

15 Q Would it be three to four  
16 houses in a westerly direction?

17 A No. I was north of it. It  
18 was south of me.

19 Q It was south of you?

20 A Correct.

21 Q But how many houses from  
22 the corner?

23 A Oh, it was pretty much  
24 across the street from the  
25 intersection. Maybe offset a little

SHEET 32 PAGE 32

1 Alonge

2 bit, but pretty much across the street.

3 A direct line down that side street.

4 Q You said that there was a  
5 party going on?

6 A I believe that there was  
7 some kind of function at the corner  
8 house, or the house next door to it,  
9 which would have been just east of it.

10 Q When you say you "believe,"  
11 is that something that you observed  
12 yourself, or was that something that  
13 was told to you?

14 A Told to me.

15 Q Did you, yourself actually  
16 see a party going on?

17 A I saw people. I didn't  
18 know what was going on in that  
19 backyard. I didn't have a view of that  
20 backyard.

21 Q Can you describe what you  
22 mean by "backyard"?

23 A The neighbor's house, where  
24 I thought the party was, the backyard,  
25 which would have been behind the house,

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1 Alonge

2 in the rear of the house.

3 Q When you were with Sergeant  
4 McCarthy, were you able to see the  
5 gathering that was going on with  
6 respect to that house adjacent to the  
7 house that was being targeted?

8                   A         No, but I saw people coming  
9                   and going. I didn't see the crowd in  
10                  one mass.

11 Q How long of a period of  
12 time did you observe people coming and  
13 going?

14                   A         Half an hour, an hour, two  
15                  hours. I don't remember. I don't  
16                  recall -- from the time that I got  
17                  there, until the time that the incident  
18                  happened, I was in that same location,  
19                  so there were times people were coming  
20                  and going, and there were times that  
21                  there was no one out front.

22 Q Was there anything that you  
23 observed, which would lead you to the  
24 conclusion that there was a party?

25 A That I observed?

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1 Alonge

2 Q Yes.

3                   A         Just seeing people coming  
4                   ;         and going, but that wouldn't let me to  
5                   believe that there was a party. I was  
6                   advised that there was a large  
7                   gathering in the backyard.

8 Q Who advised you of that?

9                   A         Another BSO officer, and I  
10          believe, the team was John Condon and  
11          Mark Auerichio, A-u-e-r-i-c-h-i-o, I  
12          think.

13 MR. NONNENMACHER: Off the  
14 record.

15 (A discussion was held off  
16 the record.)

17 Q During the time that you  
18 were observing this house, would you  
19 describe the people that were coming  
20 and going as adults only, adults and  
21 children, something else?

22 A Adults and children. There  
23 were definitely children there.

24 Q How long did you remain in  
25 that location, until you were advised

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1 Alonge

2 that Mr. Taylor was leaving the  
3 building?

4 A I was there until --

5 Q In terms of time, was it an  
6 hour, three hours?

7 A What was the time of the  
8 incident?

9 Q Okay.

10 A I don't know how long I was  
11 there in terms of hours. I know that I  
12 was the first car there, and I stayed  
13 there until he left, and the incident  
14 happened.

15 Q I want to assume that  
16 Officer Rogich testified that the  
17 incident occurred around 6:30.

18 Would that refresh your  
19 recollection as to what time this  
20 incident occurred; if it does it does,  
21 if it does not, it doesn't?

22 A I don't recall the exact  
23 hour and minute that it happened.

24 Q Did you remain in your car  
25 the whole time?

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1 Alonge

2 A Yes.

3 Q Did Officer Lanzillotta, did  
4 he also remain in the car at the same  
5 time?

6 A That I was with him, yes,  
7 because I was with McCarthy prior.

8 Q During the time that you  
9 were in the car, were there any  
10 communications coming over the air  
11 between other officers?

12 A Yes.

13 Q Do you recall,  
14 approximately, how many came?

15 A I have no idea how many.

16 Q Would it be more than ten?

17 A Assuming we were there for  
18 three hours, I would say it is a good  
19 chance there was more than ten.

20 Q Were any of them recorded?

21 A I don't know what radio  
22 frequency we were on.

23 Q Assuming they were  
24 recorded, where would someone send a  
25 request to get copies of the

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1 Alonge

2 recordings?

3 A Without knowing -- I know  
4 where it comes from -- Police  
5 Headquarters. I guess they would go to  
6 the Communications Bureau.

7 Q While you were there, was  
8 there any type of plan that was put in  
9 place?

10 A Yes.

11 Q Let me back up a little  
12 bit.

13 During the time that you  
14 were in the car with Officer  
15 Lanzillotta, did you come to realize why  
16 you were there?

17 A Yes.

18 Q Why were you there?

19 A The subject was wanted for  
20 a homicide.

21 Q Was he wanted for a  
22 homicide, or did police officers or  
23 detectives want to talk to him about a  
24 homicide?

25 A I believe he was wanted for

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1 Alonge

2 a homicide.

3 Q What makes you believe he  
4 was wanted for a homicide?

5 A I believe that is the  
6 information that I got.

7 Q Do you know who you got  
8 that information from?

9 A No.

10 Q Do you know a Detective  
11 Cereghino?

12 A Yes.

13 Q How do you know a Detective  
14 Cereghino?

15 A When I first went to the  
16 Fourth Precinct in '85, he was a police  
17 officer in the Fourth Precinct. I knew  
18 him as far back as then.

19 Q Did Detective Cereghino  
20 have anything to do with Antoine Taylor  
21 and this incident?

22 A From my perspective?

23 Q Yes.

24 A Detective Cereghino was at  
25 the scene when the subject was taken

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1 Along

2 into custody in the rear yard. That is  
3 where I first saw him.

4 Q Do you know if Detective  
5 Cereghino was the detective that was  
6 investigating this alleged homicide?

7                   A       I don't know who the  
8                   carrying detective was.

9 Q Did you receive any  
10 communications from Detective  
11 Cereghino, prior to you getting to this  
12 location?

13 A No.

14 Q Did you have any  
15 communication with Detective Cereghino  
16 while you were at this location?

17 A Me, no.

18 Q What was the plan once you  
19 arrived there?

20                   A         I believe it was, if  
21                   someone saw the subject getting into  
22                   his vehicle in the driveway, we were  
23                   going to block the end of the driveway  
24                   off, not let them out of the driveway  
25                   in the vehicle, and take him into

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1 Alonge

2 custody then.

3 Q How was that plan  
4 communicated?

5 A In terms of who, or how?

6 Q Who communicated that plan?

7 A I don't know who came over  
8 the radio and said it. I am not sure  
9 which supervisor it would have been.

10 Q Do you know who devised  
11 that plan?

12 A Who devised it?

13 Q Yes.

14 A I don't know if it was one  
15 person, as opposed to the police  
16 officers there.

17 Q Was that plan put in  
18 writing?

19 A No.

20 Q Was that plan communicated  
21 to everyone, all of the units that were  
22 there?

23 A Yes.

24 Q When Sergeant McCarthy was  
25 making communications, would those

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1 Along

2       communications go to one unit, or did  
3       they go to all of the units that were  
4       present there?

5 A It could have been both.

6 It could have been units that were  
7 responding where he wanted them to set  
8 up, talking with other supervisors, how  
9 many units he felt we needed. It would  
10 have encompassed quite a few.

11 Q As you sit here today, you  
12 recall that the plan was to block Mr.  
13 Taylor from leaving the driveway; is  
14 that correct?

15 A The initial plan, that is  
16 correct.

17 Q How long had that been the  
18 initial plan?

19                   A       Up until someone observed  
20                  the party next door. That changed the  
21                  dynamic.

22 Q Again, the term "party" was  
23 something that was communicated to you,  
24 and not something that you observed?

25 A That is correct, but I did

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1 Alonge

2 observe the people, the adults and  
3 children.

4 Q Would you be able to  
5 approximate how many people were coming  
6 and going?

7 A I want to say what I saw in  
8 the front was probably three adults,  
9 three children.

10 Q Did you see how they got to  
11 the backyard?

12 A No.

13 Q Did they have to enter the  
14 house to get to the backyard?

15 A I don't recall.

16 Q You don't know?

17 A No.

18 Q Do you recall how many  
19 entrances there were to this building?

20 A Which building?

21 Q The targeted building. I  
22 am sorry.

23 A How many entrances?

24 Q Yes.

25 A Well, there was a front

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1 Alonge

2 door, and I believe there was a side  
3 door and a back door.

4 Q Prior to participating in  
5 the arrest of Antoine Taylor, did you  
6 know how many other units were in the  
7 area?

8 A I probably had a good idea.  
9 I didn't know a finite number.

10 Q Were you able to  
11 approximate how many units were there,  
12 right before you participated in the  
13 arrest of Antoine Taylor?

14 A I believe that there was at  
15 least five units of police officers,  
16 and two sergeants.

17 Q Aside from Sergeant  
18 McCarthy, who was the other Sergeant?

19 A Rich Carlstrom. I don't  
20 know if I knew he was there until the  
21 incident took place.

22 Q Do you know if --  
23 Prior to participating in  
24 the arrest of Antoine Taylor, did you  
25 know that Keith Rogich was at the

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1 Alonge

2 scene?

3 A I knew his car was there,  
4 his unit number.

5 Q How did you know that?

6 A They came on the air. We  
7 identify ourself with car numbers.

8 Q Do you know who was in the  
9 car that Keith Rogich was in?

10 A Police Officer Mike Knatz  
11 K-n-a-t-z.

12 Q What was the catalyst for  
13 this incident; in other words, what  
14 happened --

15 MR. NONNENMACHER: Withdrawn.

16 Q Did your car eventually  
17 move?

18 A Yes.

19 Q What was the catalyst for  
20 that?

21 A I believe it was -- I am  
22 not sure who it was -- the subject,  
23 they believed to be -- the Defendant  
24 was getting in an auto. I forgot the  
25 type of auto. We had a description of

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1 Alonge

2 the auto that he was operating, and  
3 .that was observed, not by me, by other  
4 officers in the back end of the  
5 driveway to the rear of the house, and  
6 the subject fitting his description was  
7 getting in that auto.

8 Q Do you recall, as you sit  
9 here today, the make of the auto that  
10 he got in?

11 A No. I don't recall.

12 Q Would it refresh your  
13 recollection if I told you it was a  
14 1999 Mitsubishi Galant?

15 A I don't want to say 100  
16 percent. It sounds like the car.

17 MR. NONNENMACHER: Off the  
18 record.

19 (A discussion was held off  
20 the record.)

21 Q Did you, yourself, observe  
22 Mr. Taylor leave out of the driveway?

23 A I observed the vehicle  
24 coming out of the driveway.

25 Q The street where this house

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1 Alonge

2 existed, is that a two-way street?

3 A West Graham?

4 Q Yes.

5 A I believe it is a two-way  
6 street.

7 Q Traffic goes in an easterly  
8 direction and westerly direction?

9 A Correct.

10 Q What did you observe about  
11 the car, after it left the driveway?

12 A You mean which way it  
13 turned?

14 MR. LASERNA: Objection.

15 Q Yes. Which way it turned.

16 A It turned east.

17 Q Do you know what the next  
18 intersection on West Graham Avenue is?

19 A Sitting here today, no.

20 Q Would it refresh your  
21 recollection if I told you it was Rose  
22 Avenue, Rose Street?

23 A On which side? The same  
24 side as his house? I thought Rose was  
25 on the side that I was on, further

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1

Alonge

2 down. I know the neighbor's house that  
3 the party was at, there was a side  
4 street there going south, that only  
5 went south, so Rose, I believe, would  
6 have been on my side of Graham further  
7 east where the incident took place.

8 Q As you observed Mr. Taylor  
9 travel in an easterly direction, you  
10 would have been west of him; is that  
11 correct?

12 A That is correct.

13 Q What, if anything, did you  
14 do --

15 MR. NONNENMACHER: I will  
16 withdraw that.

17 Q You weren't driving?

18 A That is correct.

19 Q What, if anything, happened  
20 after you made the observation that Mr.  
21 Taylor's car was traveling in an  
22 easterly direction?

23 A Officer Lanzillotta drove up  
24 to the corner of West Graham, and the  
25 side street that we were on, he made

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1 Alonge

2 the left turn and proceeded east on  
3 West Graham to catch up to the  
4 subject's vehicle.

5 Q Why were you attempting to  
6 catch up to the subject vehicle?

7 A The subject was going to be  
8 placed under arrest.

9 Q What, if anything, was the  
10 plan with respect to the operation of  
11 your vehicle, the vehicle that you were  
12 in, and Mr. Antoine Taylor's vehicle?

13 A I don't understand the  
14 plan.

15 Q Do you know what --  
16 What were your intentions  
17 as you went to catch up to Mr. Taylor?

18 A My intentions?

19 Q Yes.

20 A Me personally?

21 Q Yes.

22 A It was when Mr. Taylor's  
23 car stopped to get out of the car and  
24 place him under arrest.

25 Q Did there come a time when

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1 Alonge

2 your vehicle was traveling behind Mr.

3 Taylor's vehicle?

4 A Yes.

5 Q What was the reason why

6 your vehicle was traveling behind Mr.

7 Taylor's vehicle?

8 A We were following him. We  
9 were trying to catch up to him. He had  
10 a little bit of a head start. We were  
11 going to conduct a car stop and place  
12 him under arrest.

13 Q Was it your intention, or  
14 Mr. Lanzillotta's intention, or a  
15 combined intention, to get behind Mr.  
16 Taylor's car, so as to block him from  
17 moving?

18 A It was our intention, when  
19 we were following him down that street  
20 to eventually come up behind him, turn  
21 the emergency lights on, and have him  
22 pull over. That was the original  
23 intention.

24 Q Your goal wasn't to block  
25 his vehicle; is that correct?

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1 Alonge

2                   A         The goal is to stop his  
3     vehicle. It is also, as in any car  
4     stop, to prevent him from leaving when  
5     we do stop him.

6 Q Would you describe the rate  
7 of speed that Mr. Taylor was traveling  
8 when you observed him, traveling for  
9 the first time, in an easterly  
10 direction?

11                   A         That is difficult to say,  
12                   because we were on the side street. It  
13                   took us a bit to get up to Graham, make  
14                   the turn, and catch up. I don't know  
15                   how fast he was going initially.

16 Q Did your vehicle, the  
17 vehicle that you were in, eventually  
18 make the left onto West Graham Avenue?

19 A Yes.

20 Q At that point in time, did  
21 you have your lights on?

22 A No.

23 Q Is there a reason why you  
24 didn't have your lights on?

25 A Well, if the subject is

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1 Alonge

2 that far ahead of us, we would not want  
3 to alert him we are back here trying to  
4 catch up with that much of a lead.

5 Q Once you made the left onto  
6 West Graham Avenue, were you able to  
7 see Mr. Taylor's vehicle?

8 A Yes.

9 Q Did you see any other units  
10 at that point in time?

11 A Not initially, no.

12 Q Was there anything  
13 obstructing your view of other units?

14 A Of other units?

15 Q Yes.

16 A I don't understand.

17 MR. NONNENMACHER: I will  
18 withdraw that.

19 Q As you proceeded behind Mr.  
20 Taylor, did you make any observations  
21 with respect to the arrival of other  
22 units?

23 A Yes. When we got up to  
24 where I believe was Rose, where the  
25 incident happened:

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1 Alonge

2 Q What did you observe, as  
3 you traveled behind Mr. Taylor's  
4 vehicle, up until Rose, with respect to  
5 other units?

6 A Up until Rose?

8                   A         Up until I saw the first  
9                   car pull out at Rose, prior to that?

10 Q Yes.

11 A I didn't observe any other  
12 vehicles.

13 Q Were you the only unit  
14 following Mr. Taylor at that time?

15                   A         I don't recall, and the  
16                   reason that I say that, I was watching  
17                   his vehicle. I know that there were  
18                   cars on the street, Condom and  
19                   Auerichio, who had mentioned there was  
20                   a party in the corner house, they were  
21                   down that side street. I don't know  
22                   when they came out behind me. I don't  
23                   know. I wasn't looking behind me. I  
24                   wasn't driving. I didn't have a mirror  
25                   available to me.

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1 Alonge

2 Q The vehicle that Keith  
3 Rogich was in, did that vehicle  
4 eventually come to the scene?

5 A Yes.

6 Q Was your vehicle following  
7 Mr. Taylor, before Mr. Rogich's vehicle  
8 was at the scene?

9 A We were behind. We were  
10 still a distance behind.

11 Q As you traveled behind Mr.  
12 Taylor's vehicle, did you eventually  
13 see the arrival of Police Officer  
14 Rogich's vehicle?

15 A Yes.

16 Q How far along did you  
17 travel on West Graham Street before you  
18 saw the arrival of the vehicle that  
19 Keith Rogich was in?

20 A We traveled from the side  
21 street that we were sitting on, up  
22 until Rose. It probably would have  
23 been -- I saw him come out prior to us  
24 getting there -- I don't recall  
25 exactly. If you are asking me feet,

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1

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2        yards, or anything like that, or  
3        streets, how far back we were -- we  
4        were not within close proximity, not  
5        within a few car lengths of him at that  
6        point.

7            Q        Is there a stop sign that  
8        controls the intersection of West  
9        Graham Avenue and Rose?

10          A        I don't recall.

11          Q        Do you recall Mr. Taylor  
12        stopping his vehicle at that  
13        intersection?

14          A        Yes, because the road was  
15        blocked.

16          Q        What was blocking the road?

17          A        Officer Rogich's silver  
18        Jeep Cherokee.

19          Q        Did you see where that Jeep  
20        Cherokee traveled from?

21          A        It came from the left, as  
22        we were driving down.

23          Q        As you were traveling on  
24        West Graham, you saw Police Officer  
25        Rogich's vehicle, come from your left

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1 Alonge

2 to your right; is that correct?

3 A Correct.

4 Q What did you observe, if  
5 anything, about the path of the Jeep  
6 Cherokee?

7 A I don't understand.

8 Q How did it travel; did it  
9 travel straight on Rose, did it make a  
10 left, or right onto West Graham Avenue?

11 A I don't know where he  
12 started. I saw him when he was  
13 entering the intersection. It would  
14 have been the opposite lane of travel.  
15 That is pretty much where I saw him.

16 Q Did you see anything about  
17 the operation of the vehicle that Keith  
18 Rogich was in, prior to it stopping in  
19 front of Mr. Taylor's vehicle?

20 A I don't understand the  
21 question.

22 Q When, for the first time,  
23 did you see the vehicle that Keith  
24 Rogich was in?

25 A When it was entering the

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1 Alonge

2 intersection.

3 Q How far behind Mr. Taylor's  
4 vehicle were you when you saw that for  
5 the first time?

6                   A        We weren't very close to  
7        him at all.  We were still a decent  
8        amount of car lengths back.

9 Q When you saw the vehicle  
10 that Keith Rogich was in, were his  
11 lights on?

12 A Not at that time, no.

13 Q Do you recall where that  
14 vehicle came to a stop?

15                   A         Yes. In front of the  
16                   subject's vehicle at the intersection  
17                   of -- I believe it is Rose and West  
18                   Graham, and he was blocking most of the  
19                   travel portion of the roadway in the  
20                   direction that we were going.

21 Q Let's assume that this  
22 incident did happen at the intersection  
23 of Rose and West Graham Avenue. Was  
24 the vehicle that Mr. Rogich was in,  
25 Police Officer Rogich, was that

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1 Alonge

2 completely in Rose or was a portion of  
3 it on West Graham Avenue?

4 A Well, it was on West  
5 Graham. If you went across Rose, I  
6 guess it still would have been -- you  
7 know what I am saying?

8 Q Yes.

9 Let's assume for one  
10 second, that there is a stop sign at  
11 this intersection that controls traffic  
12 on West Graham Avenue.

13 A Okay.

14 Q Did the vehicle that Police  
15 Officer Rogich was in, did it go in a  
16 westerly direction past that stop sign?

17 A Where did he come to a  
18 stop?

19 Q Yes.

20 A I don't know if it was east  
21 of the stop sign or west of the stop  
22 sign or right at the stop sign. I  
23 don't recall. It was sort of where the  
24 stop sign would be. I don't know  
25 exactly.

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1 Alonge

2 Q Did he enter any portion of  
3 the traffic that traveled on West  
4 Graham Avenue in an easterly direction?

5 A That is where we were  
6 traveling.

7 Q Right.

8 Did any portion of his  
9 vehicle enter into West Graham Avenue,  
10 or did it remain on Rose as it  
11 intersects West Graham Avenue?

12 A It blocked the majority,  
13 not all of West Graham heading east,  
14 where we are assuming that stop sign  
15 would be.

16 Q Right.

17 Does West Graham Avenue  
18 have lanes for parked cars on both  
19 sides?

20 A I am not sure if -- because  
21 West Graham is a very long road, I know  
22 when you get down to the intersections,  
23 it narrows down, because of turning. I  
24 don't know how much of a curb lane  
25 there was at that intersection.

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1 Alonge

2 Q Do you recall, as you sit  
3 here today, whether there were parked  
4 vehicles on both sides of West Graham  
5 Avenue?

6 A In terms of the vicinity of  
7 the incident?

8 Q Yes. The vicinity of the  
9 incident.

10 A I don't believe that there  
11 were any vehicles parked to the right.  
12 I ended up over there. I have no idea  
13 about the left side.

14 Q Could you describe for me,  
15 what you mean by you "ended up over  
16 there"?

17 A I was in the passenger side  
18 of the vehicle, so when I got out of  
19 our car, I was on the curb side, as  
20 opposed to the middle of the road.

21 Q Who was the first police  
22 officer to exit a vehicle?

23 A From any car?

24 Q Yes.

25 Who was the first police

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1 Along

2 officer that arrived at the scene that  
3 exited a car?

4 A I believe it would have to  
5 be Officer Roqich.

6 Q Did you observe him exit  
7 his vehicle?

8                   A         I wasn't watching him get  
9                   out, but I saw him -- I saw him out  
10                  when we got up to the scene, yes.

11 Q When you saw him out, were  
12 you still a passenger in your vehicle?

13                   A         Correct. It was coming to  
14                   a stop.

15 Q As your vehicle was coming  
16 to a stop, you observed Keith Rogich  
17 out of the vehicle?

18 A (No response.)

19 MR. NONNENMACHER: Let me  
20 withdraw that.

21                                  Q        When you saw Keith Rogich  
22                                  for the first time outside of his car,  
23                                  was your vehicle stopped, still moving,  
24                                  or something else?

25 A I know that my door was

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1

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2 open, my car door was open, even prior  
3 to us stopping. I was getting ready to  
4 get out. I believe he was out as we  
5 were stopping, and I was exiting my  
6 vehicle. He was out already by the  
7 time that I got out of my vehicle.

8 Q Did your vehicle eventually  
9 come to a stop?

10 A Yes.

11 Q Where was your vehicle  
12 stopped in relationship to the vehicle  
13 that Mr. Taylor was in?

14 A Behind him.

15 Q When your vehicle came to a  
16 stop, was the vehicle Antoine Taylor  
17 was in, also stopped?

18 A He made a couple of moves.

19 I don't know at what point you want to  
20 know.

21 Q Okay.

22 When your vehicle came to  
23 stop, how much distance separated the  
24 front of the vehicle that you were in,  
25 from the back of Mr. Taylor's vehicle?

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1 Alongé

2                   A       Not very much. Within a  
3       car length. Probably a little less.

4 Q Can we agree that a car  
5 length is approximately ten feet?

6                   A           Approximately.

7 Q Would the distance between  
8 the front of your vehicle and the back  
9 of Mr. Taylor's vehicle be less than  
0 ten feet?

11                   A       It could have been. Within  
12                  a car length. It could have been half  
13                  a car, three quarters of a car,  
14                  somewhere in there

15 Q Could it have been five  
16 feet away?

17 A At what point, because he  
18 moved?

19 Q When you came to a stop.

20                   A         Approximately.   Somewhere  
21                 in there.

22 Q When your vehicle came to a  
23 stop, can you approximate for me the  
24 distance between the front of Mr.  
25 Taylor's vehicle and Keith Rogich's

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1 Alongé

2 vehicle?

3                   A       Probably about the same  
4                   distance as us.

5 Q Approximately five feet?

6                   A         Yes. Within a car length  
7                   or so.

10                   A         Yes. The two sergeants'  
11                   Crown Vics, that was Sergeant McCarthy,  
12                   and Sergeant Carlstrom, who I didn't  
13                   know he was there until -- this was the  
14                   point that I knew he was there. They  
15                   arrived at the scene, from somewhere  
16                   from the left. I am assuming Rose.

17 Q Both the McCarthy vehicle  
18 and the Carlstrom vehicle both came to  
19 the scene from the left?

20                   A         Yes. They stopped on our  
21                  driver's side. That would be from my  
22                  left.

23 . Q In terms of when your  
24 vehicle came to a stop behind Mr.  
25 Taylor's vehicle, when did the McCarthy

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1 Alonge

2 vehicle arrive?

3 A I don't know. Everything  
4 was pretty much at the same time. It  
5 was within the same time span of us  
6 stopping and getting out of my car. It  
7 certainly wasn't a minute later or a  
8 minute before.

9 Q Where did the McCarthy  
10 vehicle come to a stop in relation to  
11 the vehicle that Antoine Taylor was in?

12 A On his driver's side.

13 Q On Antoine Taylor's  
14 driver's side?

15 A That is correct.

16 Q Where in relation to the  
17 driver's side door or the driver's side  
18 of the vehicle, did the McCarthy  
19 vehicle stop; by that I mean, at the  
20 front --

21 A Between him and Sergeant  
22 Carlstrom, they both came out from the  
23 same side. I don't know who was at  
24 either side of who, so I can't say who  
25 was in the front of Taylor's car, and

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1 Alonge

2 who was at the rear of Taylor's car. I  
3 can't say.

4 Q Was one of the vehicles at  
5 the front of Taylor's vehicle?

6 A Not at the front, but on  
7 his driver's side, one would be towards  
8 the front, and the other one would be  
9 towards the rear. They were both on  
10 the driver's side.

11 Q Was that as to block Mr.  
12 Taylor's movement?

13 A I believe so.

14 Q When you saw Keith Rogich  
15 get out of his vehicle, were the lights  
16 on his vehicle?

17 A By that time, they were,  
18 absolutely.

19 Q And when for the first time  
20 did the lights on your vehicle go on?

21 A I didn't turn them on.

22 Officer Lanzillotta did. I believe it  
23 was within the last four or five car  
24 lengths before we stopped, somewhere in  
25 that vicinity, as we got closer to him.

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1 Alonge

2 Q The lights on your vehicle  
3 went on, prior to the time that your  
4 vehicle came to a stop?

5 A That is correct.

6 Q Do you know if there were  
7 any pedestrians in the area?

8 A I didn't see any.

9 Q Do you know if there were  
10 any witnesses to this event?

11 A Other than police?

12 Q Right.

13                   A         That, I don't know. I  
14                    didn't see any.

15 Q When you were behind  
16 Antoine Taylor's car, how far away was  
17 the house where the people were coming  
18 and going?

19 A The neighbor's house?

20 Q Yes.

21 A From where that side street  
22 was to Rose?

23 You have better luck  
24 looking at you

<sup>35</sup> It was at least a couple of

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1 Along

2 blocks. We past the one side street on  
3 the right where my other officers  
4 were -- at least two long blocks.

5 Q When you observed Officer

6           Rogich out of his vehicle, was his gun  
7        drawn?

8 A When he first got out?

9 Q Yes.

10 A I don't recall.

11 Q When, for the first time,  
12 did you observe Mr. Rogich with his  
13 revolver out?

14 MR. LASERNA: Note my  
15 objection.

16 MR. NONNENMACHER: I am  
17 sorry.

18 Q His gun.

19 A He was out of his vehicle.

20 He was towards the front of the

21 subject's vehicle, and I was out -- I  
22 was completely out of my vehicle now,  
23 coming up to the rear of the subject's  
24 vehicle.

25 Q When you got out of your

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1 Along

2 vehicle, did you have your gun drawn?

3                   A         After I got out, I drew my  
4                   gun.

5 Q Where was your gun aimed?

6 A My gun was depressed. It  
7 wasn't aimed.

8 Q Can you describe what you  
9 mean by "depressed"?

10 A Down (indicating).

11 Q Indicating both hands on  
12 the gun, aiming down at the ground?

13                   A         I don't know if both hands  
14                   were on the gun at the time, but the  
15                   muzzle of the gun was pointed down at  
16                   the ground.

17 Q From the time that you got  
18 out of your vehicle up until the time.  
19 that Mr. Taylor was shot, did you ever  
20 aim your gun at Mr. Taylor?

21                   A         I don't recall, but I don't  
22                  believe that I did, because I saw .  
23                  Officer Rogich on the other side of  
24                  him.

25 Q Did Officer Rogich

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1 Alonge.

2 eventually discharge his gun?

3 A Yes.

4 Q Where were you when Officer

5 Rogich discharged his gun?

6 A I was behind the subject's  
7 vehicle, behind it, on the passenger  
8 side.

9 Q How long were you out of  
10 your vehicle before you either heard or  
11 saw Officer Rogich discharge his gun?

12 A The amount of time needed  
13 to -- when I got out of my vehicle, to  
14 move from my passenger door up to the  
15 subject's rear bumper, so a few seconds  
16 or whatever it may have been. I didn't  
17 run up, but I moved up.

18 Q When you got out of your  
19 car and you were approaching the rear  
20 bumper of the subject's car, from the  
21 time that you got out until the time  
22 that you reached that point, where were  
23 you looking?

24 A I was looking forward.

25 Q Were you able to see Mr.

SHEET 70 PAGE 70

1 Alonge

2 Taylor, at that point in time, inside  
3 of his vehicle?

4 A I saw the operator of the  
5 vehicle, yes.

6 Q Were you able to see Keith  
7 Rogich at the same time?

8 A Yes.

9 Q As you left your vehicle,  
10 and you walked, or whatever it is, how  
11 you traveled to the rear of the  
12 subject's vehicle, you could see the  
13 subject that was operating the vehicle,  
14 as well as Keith Rogich?

15 A I don't understand what you  
16 mean by "see" them.

17 I saw the whole scene in  
18 front of me. I saw what was going on  
19 with the subject operating the vehicle,  
20 and I saw Officer Rogich at the front  
21 of that vehicle.

22 Q Before you got out of your  
23 vehicle, did Mr. Taylor operate his  
24 vehicle in any way?

25 A Did he drive it?

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1 Alonge

2 Q Yes. Did it move?

3 A Yes. He drove from the  
4 driveway up to the location of the  
5 incident.

6 Q Right before you get out of  
7 the vehicle --

8 A Okay.

9 Q -- your door is open, you  
10 are about to get out of the vehicle, or  
11 your car is still moving, what do you  
12 observe about Mr. Taylor's vehicle?

13                   A         It lurched forward. It was  
14                   moving forward towards Officer Rogich's  
15                   vehicle and Officer Rogich.

16 Q Did that vehicle ever  
17 operate in reverse?

18                   A         I don't recall. As I was  
19                   getting out of my vehicle -- as I was  
20                   getting out, I wasn't looking exactly  
21                   at his car. I was trying to get out of  
22                   the car and make my way around my car  
23                   door.

24 Q When was the last time that  
25 you observed the vehicle Antoine Taylor

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1 Alonge

2 was in before you got out of your  
3 vehicle?

4 A I don't understand --

5 Q I asked you two questions.

6 MR. NONNENMACHER: Off the  
7 record.

8 (A discussion was held off  
9 the record.)

10 Q When you got out of your  
11 vehicle, were you able to see Mr.  
12 Taylor's vehicle?

13 A Yes.

14 Q What was it doing at that  
15 point in time; was it stopped or  
16 moving?

17 A It was moving forward.

18 Q Before you got out of your  
19 vehicle, did you see what Mr. Taylor's  
20 vehicle was doing; was it stopped or  
21 moving?

22 A Well, initially, it was  
23 stopped when it came up to that  
24 intersection and it couldn't go  
25 anymore, because of where Officer

SHEET 73 PAGE 73

1 Alonge

2 Rogich's vehicle was, and when I got  
3 out, I saw it started going forward.

4 Q From the time that you  
5 traveled in an easterly direction  
6 behind Antoine Taylor's vehicle, did  
7 you ever see it go in reverse?

8 A I don't recall. It surely  
9 wasn't going reverse when we were going  
10 from the house all the way down to the  
11 scene of the incident.

12 Q At any time while you  
13 traveled on West Graham Avenue, prior  
14 to getting out of your vehicle, did you  
15 see Mr. Taylor's vehicle go in reverse?

16 A I don't recall if he did  
17 when I was getting out of the vehicle.

18 Q From the time that you got  
19 out of the vehicle up until the time  
20 that Keith Rogich discharged his gun,  
21 were you able to see where Mr. Taylor's  
22 hands were?

23 A No.

24 Q As you were approaching his  
25 vehicle, were you looking to see where

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1 Alonge

2 his hands were?

3 A I was trying to see  
4 everything I could inside of the car.

5 Q As you were trying to see  
6 everything that you could inside of the  
7 car, were you able to observe where his  
8 hands were?

9 A No.

10 Q Did you observe what  
11 Antoine Taylor's vehicle was doing  
12 before you saw it move forward?

13 A I don't understand.

14 Q You testified, at some  
15 point in time, you saw Mr. Taylor's  
16 vehicle moving forward?

17 A Correct.

18 Q What was it doing before it  
19 moved forward; was it stopped, was it  
20 going in reverse, was it always going  
21 forward?

22 A I don't recall if it was  
23 going in reverse when I was getting out  
24 of my car, but when I got out and  
25 started approaching, it started moving

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1 Alonge

2 forward. It was moving forward. Let's  
3 say that.

4 Q Now, you indicated with  
5 your hand, in a right direction towards  
6 the right?

7 A Yes. To the right.

8 Q As you observed Mr.  
9 Taylor's vehicle moving forward, it was  
10 veering towards the right?

11 A Initially, it was going  
12 straight ahead, towards the vicinity of  
13 where Officer Rogich's car was, but it  
14 ended up veering to the right.

15 Q What made it veer to the  
16 right?

17 A You have to ask Mr. Taylor.

18 Q Did it veer to the right  
19 before Officer Rogich discharged his  
20 gun?

21 A Officer Rogich was moving  
22 from my left to the right -- actually,  
23 he was moving from his door to the  
24 front of the car -- it was moving  
25 forward, I believe -- towards Officer

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1 Alonge

2 Rogich, when he fired that first round,  
3 when the first round went off.

4 Q How far did you observe the  
5 vehicle that Mr. Taylor was in move  
6 forward?

7 A He probably stopped. Like  
8 I said before, probably less than a car  
9 length from where Officer Rogich's  
10 vehicle was. He probably knocked that  
11 distance down to maybe half that.

12 Q Did you observe the vehicle  
13 Mr. Taylor was in, travel forward,  
14 approximately two feet, two and-a-half  
15 feet?

16 MR. LASERNA: Objection.

17 A I don't know the exact  
18 footage.

19 Q Can you approximate for me?

20 A I don't know the exact  
21 footage of it.

22 Q Would it be a lot less than  
23 a car length?

24 A It would be less than a car  
25 length.

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1 Alonge

2 Q Could you give me any  
3 approximation of how far that you  
4 observed this vehicle going forward?

5 A Less than a car length.

6 Q When you saw this vehicle  
7 traveling less than a car length, would  
8 you be able to tell me how fast it was  
9 going?

10 A It was, like, a lurch, from  
11 almost a dead stop to where you put  
12 your foot on the gas and lurch forward.

13 Q When you say it went from  
14 "a dead stop," did you observe the  
15 vehicle at a dead stop?

16 A I didn't say dead stop.

17 Whatever it was doing at that time, I  
18 saw it lurching forward. I don't know  
19 if it was at a dead stop.

20 Q How far forward did it  
21 lurch?

22 A I don't know. Less than a  
23 car length.

24 Q Do you know how fast a 1999  
25 Mitsubishi Galant could go from stop to

SHEET 78 PAGE 78

1 Alonge

2 forward in less than a car length?

3 MR. LASERNA: Objection.

4 Q Do you know?

5 A I have no idea.

6 Q Sir, had you ever issued a  
7 traffic violation -- had you ever  
8 issued someone a traffic violation?

9 A For anything?

10 Q Yes.

11 A Yes.

12 Q Had you ever issued a  
13 traffic violation for speeding?

14 A Never radar, but speed  
15 imprudent.

16 Q What does speed imprudent  
17 mean?

18 A Say, a local road, the  
19 speed limit was 20, 25, and it is  
20 raining, and it is icy, and people are  
21 doing 30, 35. I don't have a radar  
22 gun, but we know it is imprudent to  
23 travel that fast.

24 Q Did you give any training  
25 to estimate the speed of a vehicle in

SHEET 79 PAGE 79

1 Alonge

2 order to give someone a speeding  
3 ticket?

4 A In the Police Academy.

5 Q Subsequent to the Police  
6 Academy, did you get any other  
7 training?

8 A No.

9 Q Based on your training in  
10 the Police Academy, can you tell us,  
11 how fast that Galant could have been  
12 going in less than a car length?

13 MR. LASERNA: Objection.

14 A No.

15 Q When you observed this  
16 vehicle going forward, what was the  
17 distance that separated the front of  
18 Mr. Taylor's vehicle and Officer  
19 Rogich?

20 A At the initial --

21 Q When it began.

22 A It would have been half the  
23 distance between his car and both of  
24 their cars. Let's say that. Somewhere  
25 in the middle.

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1 Alonge

2 Q Would you be able to  
3 approximate what the distance is?

4 A I don't want to give a  
5 finite number. I don't know. Like,  
6 half the distance between Officer  
7 Rogich's car and Taylor's car.

8 Q When you observed Officer  
9 Rogich at that point in time, did he  
10 have his gun drawn?

11 A At which time?

12 Q Okay. I am sorry.

13 Do you recall what Antoine  
14 Taylor's vehicle was doing, when you  
15 first observed Officer Rogich point his  
16 gun at Mr. Taylor?

17 A It was moving forward.

18 Q That was the first time  
19 that you saw him point his gun?

20 A That is correct.

21 Q Okay.

22 Where was Officer Rogich in  
23 relationship to the front of Mr.  
24 Taylor's vehicle; by that I mean, was  
25 it in the middle, if it was towards the

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1 Alonge

2 passenger side, it was towards the  
3 operator's side, something else?

4                   A         I would say he was probably  
5                   in front of -- I guess where the  
6                   headlights would be on the car, maybe a  
7                   little more to the inside, in the  
8                   front.

9 Q When you say on the inside  
10 front --

11                   A         In between the headlights,  
12                   that inside, so the driver's side  
13                   headlight. Somewhere in front there  
14                   (indicating).

15 Q When you observed Officer  
16 Rogich standing in that position in  
17 front of Mr. Taylor's vehicle, what was  
18 to the right of Officer Rogich?

19                   A         Which right, his right or  
20                  my right, because we were opposite of  
21                  each other?

22 Q Officer Rogich's right?

23 A I don't know what you mean.  
24 I know where you are talking about.

25 Q Was anything to his rig?

25 Q Was anything to his right?

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1 Alonge

2 A That is where those  
3 Sergeant's vehicles stopped. I don't  
4 know where they were, they were on that  
5 side.

6 Q When you saw Officer Rogich  
7 with his gun aimed at Mr. Taylor, was  
8 he standing or was he moving?

9 A I believe he was coming a  
10 little bit forward at that point.

11 Q Did you ever see Officer  
12 Rogich go to his left?

13 A Yes.

14 Q At what point in time?

15 A He moved from his right to  
16 his left, he came out, and approached  
17 the vehicle where I told you, and then  
18 he moved to his left as the vehicle  
19 lurched towards him, and he kept on  
20 going towards his left.

21 Q That would be towards the  
22 sidewalk?

23 A That is correct.

24 Q Antoine Taylor's vehicle  
25 never struck Officer Rogich; am I

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1 Alonge

2 correct?

3 A Not that I believe.

4 Q He was able to get away?

5 A Who?

6 Q Officer Rogich was able to  
7 get out of the way of the vehicle?

8 A He ended up falling over on  
9 the curb, yes.

10 Q He was able to avoid  
11 getting struck by the vehicle?

12 A He did not get struck by  
13 the vehicle.

14 Q Are you familiar with the  
15 term "retreat"?

16 A As?

17 Q As used in law enforcement.

18 A Military, I understand.

19 Q Were you in the military?

20 A No.

21 Q When you receive training  
22 with respect to the use of deadly  
23 force, do you recall any lessons  
24 regarding the issue of being able to  
25 retreat?

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1 Alonge

2 A For police officers?

3 Q Yes.

4 A Lessons, no.

5 Q Do you remember, or recall,

6 anything in any literature that was

7 given to you by the Police Department

8 where the term "retreat" was used?

9 A No.

10 Q Is retreat synonymous with  
11 getting out of the way?

12 A No.

13 Q With respect to restraining  
14 someone, is the use of a firearm the  
15 last resort?

16 MR. LASERNA: Objection.

17 A In terms of the use of  
18 force?

19 Q Yes.

20 A Using deadly physical force  
21 would probably be the last, yes.

22 Q When Officer Rogich pointed  
23 his gun at Antoine Taylor, was he using  
24 deadly physical force?

25 MR. LASERNA: Objection.

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1 Alonge

2 A When he pointed his gun?

3 Q Yes.

4 A No.

5 Q When he fired his gun at  
6 Mr. Taylor, was he using deadly  
7 physical force?

8 A Yes.

9 Q Was Keith Rogich able to  
10 retreat before firing his gun?

11 MR. LASERNA: Objection.

12 A I have no idea. I wasn't  
13 in his -- I wasn't where he was  
14 standing. I was behind the car.

15 Q Was Officer Rogich able to  
16 get to the sidewalk before he fired his  
17 gun?

18 MR. LASERNA: Objection.

19 A I have no idea.

20 Q Eventually, you saw him on  
21 the sidewalk?

22 A After he fired three  
23 rounds, yes, he fell over the curb.

24 Q What was the distance that  
25 separated the front of Antoine Taylor's

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1 Alonge

2 vehicle and Officer Rogich when he  
3 fired his gun for the first time?

4 A I said it before. I don't  
5 know exactly what it was. It was  
6 within probably half the distance  
7 between both of their vehicles,  
8 whatever that distance may have been.

9 Q Did you observe Officer  
10 Rogich fire his gun?

11 A In terms of what? I don't  
12 understand -- pull the trigger?

13 Q Yes.

14 What led you to the  
15 conclusion that Officer Rogich fired  
16 his gun; you heard it, you observed it,  
17 something else?

18 A I didn't see him shoot the  
19 first time. I saw the rear window on  
20 the subject's vehicle started to -- I  
21 don't know the word to use.

22 Q Implode?

23 A No. The window didn't  
24 break until afterwards, but it did -- I  
25 am trying to think of the right word

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1 Alonge

2 here. There was an impact on the  
3 glass, and without breaking apart, it  
4 did shatter, where you can see  
5 something had impacted that glass.

6 That was the first time that I realized  
7 a shot went out.

8 Q When you realized for the  
9 first time that a shot went out, did  
10 you know where that shot came from?

11 A I didn't see Officer Rogich  
12 pull the trigger on the first shot, no.

13 Q You were not looking at  
14 Officer Rogich when he pulled the  
15 trigger; is that correct?

16 . A That is correct.

17 Q When Officer Rogich fired  
18 his first shot, you were not in a  
19 position to tell us what distance  
20 separated the front of Mr. Taylor's  
21 vehicle and Officer Rogich?

22                   A         No. I could see the whole  
23                   scene. I could see what was in front  
24                   of me. I could see where his body was.  
25                   I wasn't looking at his hand to see if

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1 Alonge

2 he pulled the trigger.

3 Q Where were you looking when  
4 Officer Rogich pulled the trigger?

5 A The first time?

6 Q Yes.

7 A I was trying to look  
8 through the back window of the  
9 subject's vehicle.

10 MR. NONNENMACHER: Off the  
11 record.

12 (A discussion was held off  
13 the record.)

14 Q When Officer Rogich pulled  
15 the trigger for the first time, were  
16 you behind Mr. Taylor's vehicle?

17 A Yes, I was.

18 Q Where behind his vehicle  
19 were you; directly in the middle of his  
20 vehicle, to the right, to the left, or  
21 something else?

22 A I was on the passenger side  
23 behind, probably behind where the rear  
24 passenger would be sitting, behind the  
25 trunk.

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1 Along

2 Q Why were you behind the  
3 trunk?

4 A I don't understand.

5 Q How did you wind up behind  
6 the trunk?

7 MR. NONNENMACHER: I will  
8 withdraw it.

9                   Q         How much time elapsed from  
10          the time that Officer Rogich fired the  
11          first round until the time that he  
12          fired the second round?

13                   A         Enough time for him to  
14                   probably move from where he was, over  
15                   to his left. The car started -- he  
16                   started going that way, the car started  
17                   going that way (indicating).

18 I don't know, a second,  
19 two. That was about it -- one thousand  
20 one, one thousand two. That is about  
21 it.

22 Q How much time elapsed from  
23 the time that he fired the second shot  
24 until the time he fired the third shot?

25 A I am assuming the same

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1 Alonge

2 time. He kept moving to his left, to  
3 my right.

4 Q As Officer Rogich was going  
5 from his right to his left, what was he  
6 doing?

7 A In terms of walking?

8 Q Yes.

9 A He was moving to his left.

10 Q Was he walking, was he  
11 running?

12 A He wasn't running. He  
13 was -- I would say he was moving  
14 quickly.

15 Q Do you know why he was  
16 moving quickly?

17 A Because the vehicle was  
18 headed right for him.

19 Q As a result of moving  
20 quickly, he was able to avoid getting  
21 struck by the vehicle?

22 MR. LASERNA: Objection.

23 MR. NONNENMACHER: I will  
24 withdraw it.

25 Q Do you know if a bullet

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1 Alonge

2 from Officer Rogich's gun came into  
3 contact with Antoine Taylor?

4 A I didn't do any ballistics.  
5 I ended up where he subsequently was  
6 taken into custody in the rear yard,  
7 and I observed he had a gun shot wound  
8 to his abdomen. I am assuming that was  
9 Officer Rogich's bullet.

10 Q Had you ever appeared  
11 anywhere and gave testimony regarding  
12 the incident that occurred regarding  
13 Antoine Taylor?

14 A I don't believe that I had.

15 Q Did you ever appear before  
16 the Grand Jury?

17 A I want to say no. I don't  
18 think that I had. This is the first  
19 involvement that I had with the case  
20 since that night. I don't believe that  
21 I did. Don't hold me to that. I don't  
22 believe that I did.

23 Q Were you interviewed by  
24 anyone after this incident?

25 A Yes. I guess it would have

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1 Alonge

2 been -- I don't know how they are  
3 labeled. The County's Police  
4 Department's Shooting Investigation  
5 Team.

6 Q When did that occur?

7 A That night. That same  
8 night.

9 Q Do you recall who you were  
10 interviewed by?

11 A Who ran it? No, but there  
12 was a group of people there. It was up  
13 in homicide.

14 Q Do you know if any of the  
15 questions that were asked of you, and  
16 the answers that you gave, were  
17 recorded in any way, or transcribed?

18 A That, I don't know.

19 Q Did you ever prepare any  
20 type of written document regarding this  
21 incident?

22 A No.

23 Q Were you required to  
24 prepare any reports?

25 A No. I had nothing to do

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2 with the arrest.

3 Q Following this incident,  
4 had you ever sat down and discussed the  
5 incident with Police Officer Rogich?

6 A No. I sat down with the  
7 DA, I believe. They debriefed me.

8 Q Who was the DA, do you  
9 recall?

10 A I believe it may have  
11 been -- I am pretty sure -- I don't  
12 want to say 100 percent. I believe it  
13 was Ana Acafrieda. I believe it was  
14 her.

15 Q Do you recall how many  
16 times that you met with her?

17 A I believe it was just once.

18 MR. LASERNA: Off the  
19 record.

20 (A discussion was held off  
21 the record.)

22 MR. NONNENMACHER: At this  
23 point in time, I don't have  
24 anything further thank you.

25 MR. LASERNA: I have a few

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2 questions for you.

3 DIRECT EXAMINATION

4 BY MR. LASERNA:

5 Q You said earlier that  
6 sometimes you respond to -- that you  
7 report to the Fifth Precinct?

8 A That is correct.

9 Q What is the reason for  
10 that?

11 A BSO has offices, little  
12 satellite offices, let's call it, in  
13 the Second Precinct, the Seventh  
14 Precinct, and the Fifth Precinct, so  
15 instead of everyone responding to the  
16 main office in Bellmore, we are  
17 actually out in the field, spread out  
18 around the County, so if something does  
19 happen at the beginning of the tour, we  
20 already have officers all over the  
21 County.

22 Q So, you occasionally report  
23 to those other precincts, as well,  
24 then?

25 A No. We are in a

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Along  
transition, because of the downsizing,  
but my sector, historically covered the  
Fourth and Fifth Precincts, which was  
out west. Other teams would cover the  
east, the Seventh Precinct, and the  
others would cover the north, the  
Second in Syosset. You would be  
assigned to one of those precincts to  
begin the day in, if you didn't go to  
the office.

12 Q Earlier, Mr. Nonnenmacher  
13 asked you what you were wearing on  
14 September 26, 2009.. You said you  
15 didn't recall. Do you recall if you  
16 had your badge displayed at any point?

17                   A         Yes. I had my badge on a  
18                   chain on my neck.

19 Q Do you recall what Officer  
20 Rogich was wearing that day?

21 A Not specifically.

22 Q Were you able to see if he  
23 had his badge displayed?

24 A He had his badge out on his  
25 neck.

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2 Q You were able to see it?

3 A Yes.

4 Q Earlier, you discussed with  
5 Mr. Nonnenmacher the emergency lights  
6 on the cars that you were driving --  
7 not that you were driving, but that you  
8 were in.

9 Were all of the police  
10 vehicles -- were they all equipped with  
11 emergency vehicles to your lights?

12 A You mean emergency lights?

13 Q Yes. I apologize.

14 A We all have lights and  
15 sirens in our vehicles.

16 Q You told Mr. Nonnenmacher,  
17 you were approximately four or five car  
18 lengths behind Mr. Taylor when the  
19 lights were turned on in your car?

20 A Somewhere in that vicinity,  
21 that is correct.

22 Q Do you recall if --

23 They were on before you  
24 pulled up behind him and stopped, the  
25 emergency lights?

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1 Along

2 A That is correct.

3 Q Do you recall if the Jeep  
4 that Officer Rogich was in had its  
5 emergency lights on?

6 A Yes. He had his lights on..

7 As we got closer to that intersection,  
8 his lights were on. They weren't on  
9 the entire time, but they were on  
10 before both of us got to that  
11 intersection.

12 Q Were they on before Officer  
13 Rogich exited the Jeep?

14 A Yes. They were on before  
15 that.

16 Q Sergeant McCarthy was  
17 driving a Crown Victoria; is that  
18 correct?

19 A Yes.

20 Q And Sergeant Carlstrom, he  
21 was driving a Crown Victoria?

22 A Yes.

23 Q Were both of those cars  
24 equipped with emergency lights?

25 A Yes.

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2 Q Did either of those, or  
3 both of those cars, have their  
4 emergency lights on?

5                   A         I don't recall. I wasn't  
6                   watching what they were doing. I was  
7                   just watching the subject's vehicle,  
8                   what was going on in front of me.

9 MR. LASERNA: Off the  
10 record.

11 Q I want to go back a little  
12 bit. I am sorry.

13 You said that Antoine  
14 Taylor was wanted for a homicide, and  
15 that is why he was being arrested?

16 A Yes.

17 Q Do you recall any other  
18 information that you were given about  
19 Mr. Taylor?

20                   A         The vehicle he was probably  
21                   operating, this location, I am not sure  
22                   his involvement with the location,  
23                   other than they assumed he would  
24                   possibly be at that location, that is  
25                   all I recall at this time.

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1 Along

2 Q And then you said earlier,  
3 that Officer Rogich exited his vehicle  
4 before you did; is that correct?

5 A That is correct.

6 Q Do you recall what he did,  
7 if anything, before he discharged his  
8 weapon?

9                   A         In terms of -- I saw him  
10                  yelling, yelling something at the  
11                  vehicle -- I am assuming it was the  
12                  driver, prior to the shots going off

13 Q Do you recall what he said,  
14 or the gist of it?

15 A No. I was getting out of  
16 my vehicle. I couldn't hear what was  
17 being yelled.

18 MR. LASERNA: I think that  
19 is all the questions that I have.

20 MR. NONNENMACHER: I have a  
21 few more questions.

22 DIRECT EXAMINATION

23 BY MR. NONNENMACHER:

24 Q When Officer Rogich  
25 discharged his gun, aside from

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6                   A           Officer Lanzillotta, who was  
7                   driving the vehicle that I was in.

8 Q He came out of his vehicle?

9                   A            Absolutely.

10 Q When did he come out of his  
11 vehicle?

12                   A         Probably after me. As we  
13                  are slowing down --

14 MR. NONNENMACHER: I am  
15 sorry. I didn't mean to -- when  
16 someone talks, I do it out of a  
17 habit. It wasn't to be  
18 obnoxious. I have this habit, so  
19 I am sorry. I didn't want you to  
20 think that I was being rude to  
21 you.

22 THE WITNESS: Not at all.

23                   A        It was sometime after me,  
24                   because he had to put the car in park  
25                   and get out. When the first shot was

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fired, he was at the rear of the  
vehicle with me, to my left over  
. towards the driver's side.

5 Q Thank you very much.

6 MR. NONNENMACHER: I don't  
7 have anything further.

10 (Time noted: 11:30 A.M.)

11 \* \* \*

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1 Alonge

C E R T I F I C A T E

3 STATE OF NEW YORK )  
4 ) SS:  
COUNTY OF NASSAU )

6 I, EILEEN WAIN, a Shorthand  
7 Reporter and Notary Public of the State  
8 of New York, do hereby certify:

9                          That EDWARD ALONGE, the witness  
10                         whose deposition is hereinbefore set  
11                         forth, was duly sworn by me, and that  
12                         such deposition is a true record of the  
13                         testimony given by such witness.

14 I further certify that I am not  
15 related to any of the parties to this  
16 action by blood or marriage, and that I  
17 am in no way interested in the outcome of  
18 this matter.

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 1<sup>st</sup> day of January  
21 2012.

Eileen Wain  
EILEEN WAIN

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1 Along

CORRECTION SHEET

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